

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 12, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: RQR-13859 - APPLICANT: CABANA FOOD MARKET -
OWNER: OWENS STARR**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit (SUP-8433).
2. The graffiti, trash and weeds shall be removed within thirty (30) days of City Council action.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a Required Six Month Review of an approved Special Use Permit (SUP-8433) that allowed a liquor establishment (On-Sale/Off-Sale/On-Off-Sale) within an existing market at 3965 East Owens Avenue (APN 140-30-102-006), N-S (Neighborhood Service) Zone under Resolution of Intent to C-1 (Limited Commercial) Zone.

EXECUTIVE SUMMARY

This is the first review for the liquor establishment (On-Sale/Off-Sale/On-Off-Sale) within an existing market at 3965 East Owens Avenue. The applicant has complied with the previous conditions of approval from Special Use Permit (SUP-8433). A business license for a Liquor Establishment was issued on 01/12/06, which remains active. There are no Code Enforcement issues related to the site and a favorable police report was issued on 02/14/06. The continuation of the existing use is compatible with the surrounding area. No further reviews are recommended for the subject liquor establishment.

BACKGROUND INFORMATION

A) *Related Actions*

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|----------|--|
| 05/11/98 | The City Council approved a General Plan Amendment (GPA-0001-98) that designated the subject parcel as O (Office). The City Council reviewed a request for Rezoning (Z-0007-98) of this property from R-1 (Single-Family Residential) to C-1 (Limited Commercial), but followed the recommendation of the Planning Commission and staff, approving and amending the request to O (Office). The Planning Commission recommended approval on 03/12/98. |
| 11/21/01 | The City Council approved a General Plan Amendment (GPA-0030-01) from O (Office) to SC (Service Commercial) and a request for Rezoning (Z-0057-01) from R-1 (Single-Family Residential) under Resolution of Intent to O (Office) to N-S (Neighborhood Service) on this site. The Planning Commission recommended approval of both items on 10/04/01. |
| 03/14/02 | The Planning Commission approved two related requests (V-0058-01 and V-0012-02) to vary setbacks required by the Residential Adjacency Standards and the N-S (Neighborhood Service) zoning district on the subject site. |

- 03/14/02 The Planning Commission approved a request for a Site Development Plan Review and a reduction in the amount of required perimeter landscaping [Z-0057-01(1)] for a proposed 31,700 square foot commercial center on the subject site. The approval contained a condition prohibiting uses requiring a parking ratio greater than one space per 250 square feet of gross floor area.
- 04/17/02 The City Council granted an appeal by the applicant of Condition No. 2 of the approved Site Development Plan Review [Z-0057-01(1)], which prohibited certain uses on the subject site. The City Council deleted this condition and inserted a new condition requiring a review of the parking one-year from the date of issuance of a Certificate of Occupancy.
- 01/07/04 The City Council approved an Extension of Time (EOT-3281) for an approved Rezoning (Z-0057-01) request from R-1 (Single Family Residence) under Resolution of Intent to O (Office) to N-S (Neighborhood Services). Staff and the Planning commission recommended approval on 12/04/03.
- 10/19/05 The City Council approved a Rezoning (ZON-8432) from N-S (Neighborhood Services) to C-1 (Limited Commercial). A Special Use Permit was also approved for a Liquor Establishment (On-Sale/Off-Sale/On-Sale) within an existing market. The Planning Commission and staff recommended approval on 09/22/05.

B) Pre-Application Meeting

A pre-application meeting is not required for this type of application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application, nor was one held.

D) Business License History

A business license was issued for a Liquor Establishment (On-Sale/Off-Sale/On-Sale) within an existing market on 01/12/06. A favorable police report was issued on 02/14/06.

E) Code Enforcement History

There are no Code Enforcement actions related to the subject site.

F) Site Inspection Information

A site inspection was conducted on 06/15/06. The site inspection revealed that graffiti, weeds and trash were present. A condition of approval has been added, which requires removal within thirty (30) days of City Council action.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 2.26

B) *Existing Land Use*

Subject Property: Shopping Center
North: Undeveloped
South: Condominiums
East: Undeveloped
West: Las Vegas Wash

C) *Planned Land Use*

Subject Property: SC (Service Commercial)
North: Clark County
South: M (Medium Density Residential)
East: M (Medium Density Residential)
West: PF (Public Facility)

D) *Existing Zoning*

Subject Property: C-1 (Limited Commercial)
North: R-T (Manufactured Home Residential – Clark County)
R-2 (Medium Density Residential – Clark County)
South: R-PD17 (Residential Planned Development – 17 Units Per Acre)
East: R-E (Residence Estates) under Resolution of Intent to R-PD15
(Residential Planned Development – 15 Units Per Acre)
West: Las Vegas Wash

E) *General Plan Compliance*

The subject site is located within the Southeast Sector of the Master Plan with a SC (Service Commercial) land use designation, which allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. The proposed C-1 (Limited Commercial) zoning district is consistent with the Master Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

There are no Special Districts or Zones, which affect the Required Review. The parent case Special Use Permit (SUP-8433) was subject to a Project of Regional Significance and additional notification.

ANALYSIS

A) General Analysis and Discussion

- **Zoning**

The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) District is consistent with the Service Commercial, and the Neighborhood Center categories of the General Plan.

- **Use**

The continuation of existing Liquor Establishment (On-Sale/Off-Sale/On-Off-Sale) use is appropriate and compatible with the surrounding uses in the area.

- **Conditions of Approval from Special Use Permit (SUP-8433)**

1. There shall be a six-month review by the City Council from date of issuance of business license for alcohol.
2. Conformance to all Minimum Requirements under Title 19.04.050 for the liquor establishment (on-sale/off-sale/on-off-sale) use.
3. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-8432).
4. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. The sale of alcoholic beverages shall be limited to the sale of beer and wine only.
7. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

9. All City Code requirements and design standards of all City departments must be satisfied.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The continuation of the Special Use Permit that allowed the sale of packaged liquor within an existing market is compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The existing market is physically suitable for the continuation of the sale of packaged liquor for off-premise consumption.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site is accessed from Owens Avenue, a Primary (100-foot) Arterial on the Master Plan of Streets and Highways, and is adequate in size to meet the requirements of the proposed use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The continuation of the Special Use Permit will not compromise the public health, safety, and welfare or the overall objectives of the General Plan.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

3

ASSEMBLY DISTRICT

14

SENATE DISTRICT

2

NOTICES MAILED

1014

APPROVALS 0

PROTESTS 0